
Appeal Decision

Site visit made on 8 October 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal Ref: APP/B5480/W/19/3222086

39A Broadstone Road, Hornchurch RM12 4AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Singh against the decision of the Council of the London Borough of Havering.
 - The application Ref P1592.18, dated 23 October 2018, was refused by notice dated 19 December 2018.
 - The development proposes to demolish the existing detached house and construct 4 x 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has advised that the Havering Community Infrastructure Levy has been adopted since the determination of the planning application and that the development would be liable to contribute. The Council has identified that the contribution replaces the requirement to contribute towards the provision of education facilities under the terms of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990. I have therefore proceeded on the basis that the fourth reason for refusal is no longer applicable.

Main Issues

3. The main issues are:
 - whether satisfactory living conditions would be provided for future occupiers of the proposed development with particular regard to the provision of internal storage space and the usability of the gardens.
 - the effect of the development on the character and appearance of the area, with particular regard to the use of the site and the provision of refuse and cycle storage.
 - whether the proposal provides an appropriate mix of housing.

Reasons

Living Conditions

4. The appeal site contains a detached building that would be replaced with a two storey building containing four flats. The land to the rear of the proposed building would be divided into four gardens with the two closest to the building

- serving the ground floor flats. The rearmost gardens would serve the first-floor flats and be accessed from walkways that would lead to the side of the building.
5. The main parties agree that, in most respects, the flats would be of sufficient size to comply with the standards set out within the Technical Housing Standards – Nationally Described Space Standards (THS) and policy 3.5 of the London Plan (LP), adopted 2016. However, no internal storage space is shown to be provided for any of the flats. This is in conflict with the THS which states that 2 square metres of storage space is required per flat. In the absence of this space the development would not be served by adequate internal living conditions and would not therefore represent sufficiently high-quality design or provide future occupiers with a high standard of amenity as required by paragraph 127 of the National Planning Policy Framework (The Framework).
 6. Similar to the above, the main parties agree that the proposed gardens are of adequate size. The occupiers of the first-floor flats would have views into the gardens of the ground floor flats but in my experience this relationship is not unusual. Furthermore, it is not unusual for the occupants of upper floor flats to have to walk a short distance to their gardens instead of having direct access. In this case, it is unlikely that the very short walk around the side of the building would unduly discourage the use of the gardens. Accordingly, the division of the site to provide private gardens would encourage their use and enjoyment by future occupiers to a greater degree than a communal outdoor space. As such I do not find that issues of overlooking or accessibility would make the garden spaces unusable or of insufficient quality.
 7. For these reasons, whilst I find the garden provision to be acceptable, I conclude that this is outweighed by the unsatisfactory living conditions that future occupiers of the proposed development would experience due to the absence of internal storage space. The proposal is therefore contrary to Policy DC61 of the Havering London Borough Core Strategy and Development Control Policies Development Plan Document (CSDCP), adopted 2008, which requires that development meets the needs of all people of all ages. The proposal is also contrary to policy 3.5 of the LP which states that housing developments should be of the highest internal quality, be designed to meet minimum space standards, have adequately sized rooms and convenient and efficient room layouts. The proposal is also contrary to paragraph 127(f) of The Framework which requires development to provide a high standard of amenity for existing and future users.
 8. I do not however find the proposal to be contrary to Policy DC55 of the CSDCP as this relates to noise and is therefore not relevant to the Council's first reason for refusal. Furthermore, as the proposed gardens are acceptable and the document provides no internal space standards, the proposal is not contrary to the Council's Residential Design SPD¹ (RDSPD) in this respect.

Character and Appearance of the Area

9. The surrounding area consists mostly of semi-detached, 2 storey dwellings, albeit there are some short terraces and bungalows within Broadstone Road and Hartland Road. In the wider locality, there are a mixture of flats and dwellings within Adelphi Crescent.

¹ Design for Living – havering London Borough Residential Design Supplementary Planning Document (2010)

10. The existing building at the appeal site is located at the end of a line of residential buildings that are of similar height and appearance and are set back from the street by a similar distance. However, as it is detached, the existing dwelling represents an anomaly amongst the 2 storey dwellings of the street.
11. Planning permission has previously been granted for the erection of a replacement dwelling at the site and the Council has raised no objection to the scale or appearance of the proposed building. However, the second reason for refusal is based on the visual effect of the cycle and refuse stores and the effect of the use of the building as flats.
12. Broadstone Road and Hartland Road serve a sufficient number of dwellings for it to be reasonable to expect them to be in constant use throughout the day and into the night. Similarly, the neighbouring school would be likely to generate activity within the locality throughout the day and not just at the start and end of the school day. In this context, the activity arising from the occupation of the 4 proposed flats would not be unduly noticeable in the locality. I have no reason to assume that the occupants of the proposed flats would behave anti-socially, work different hours or cause disturbance in any other way that would be different to the occupants of any other building. Therefore, although more people would reside at the site, I do not find that their movements and activity would be harmful to the character of the area.
13. The provision of bicycle stores at the rear of the site and the indicated positioning of refuse bins at the side of the building would ensure that they are not unduly prominent from the public domain. Furthermore, they would not have an appearance that is dissimilar to an outbuilding that can be erected within the curtilage of a dwellinghouse under the terms of permitted development rights. However, it appears that access to these facilities, particularly to the side of Flats B and D, would only be achievable if the proposed parking spaces are not in use.
14. Whilst a bicycle might be able to be manoeuvred around a parked car and the refuse bins might be accessible, this would be at some inconvenience and it would not be possible for the refuse bins to be moved to a position that would enable their collection if the parking spaces are used. As it appears that the indicated refuse bin storage location would not be functional, it is probable that the refuse bins would have to be stored at an alternative location at the front of the site. The increased number of properties is likely to result in more refuse bins being kept at the site. Hence, the effect of the proposal on the character and appearance of the site and the surrounding area in this regard could be substantial.
15. For this reason, whilst the formation of flats at the site would not necessarily cause harm to the overall character of the area, the inadequate accessibility to the cycle and refuse stores would be likely to cause harm to the character and appearance of the site and the surrounding area. The proposal is therefore contrary to Policy DC61 of the CSDCP which states that development should be designed to meet the needs of cyclists and ensure that the public and private realms of a development are free of clutter and easily accessible. The proposal is also contrary to the RDSPD which requires that cycle, waste and recycling storage is sensitively designed and conveniently located with consideration being given to accessibility.

Housing Mix

16. The proposed development would see the replacement of a 3 bedroom dwelling with 4 flats that would each contain 2 bedrooms. The Council have identified that the absence of any flats with 3 or more bedrooms would be contrary to emerging policy 9 of the Havering Local Plan 2016-2031 (Proposed Submission Version). However, this is an emerging document and, although it has been examined, the Council have set out that modifications to the plan have been required with regard to housing. In this context, it is not certain that the emerging policy will become part of the development plan in its current form. I cannot therefore give the policy weight. Indeed, the Council has stated that, on its own, the unadopted policy does not justify the refusal of planning permission.
17. Notwithstanding the above, The Framework identifies that the size and type of housing needed for different groups should be assessed and reflected in policies and as such it is appropriate to have regard to the mix of housing proposed. However, no evidence has been provided to justify the requirement for 3 bedroom accommodation. The evidence before me does not therefore indicate that the proposed mix of housing is unacceptable and contrary to paragraphs 59, 60 and 61 of The Framework.

Other Matters

18. The appellant has identified that this windfall development would utilise previously developed land to increase housing stock at a density that does not represent the overdevelopment of the site in the context of policy 3.4 of the LP. The appellant also identifies that the development would be well located with respect to shops, schools, public transport connections and other such facilities. Furthermore, the appellant states that adequate car parking would be provided, existing trees would be retained and the living conditions of neighbouring residents would not be harmed. However, these aspects of the proposal do not alter or outweigh the harm that has been identified above.

Conclusion

19. Bringing together my conclusions on the main issues I have found that the development would have an unacceptable effect on the character and appearance of the site and the surrounding area as a result of the inadequate access to the cycle and refuse storage. The proposal would also fail to provide adequate living conditions for future occupants due to the inadequate provision of internal storage. Despite the other material considerations that have been identified and the absence of harm in some respects, I consider that these factors are outweighed by the harm that would be caused by the proposal.
20. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Ian Harrison

INSPECTOR